

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Roger P Nielsen
Linda M Nielsen

Debtors

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Case no. 17-16810

Chapter 13

Judge: Janet S. Baer

NOTICE OF MOTION AND CERTIFICATE OF SERVICE

Roger P Nielsen
Linda M Nielsen
36W420 Highland Ave
Elgin, IL 60123

Sulaiman Law Group
2500 S Highland Ave #200
Lombard, IL 60148

Please take notice that on Friday, November 8, 2019 at 9:15 am, a representative of this office shall appear before the Honorable Judge Janet S. Baer at the Kane County Courthouse, 100 S 3rd Street, Courtroom 240, Geneva, IL 60134 and present the motion set forth below. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

I certify that this office caused a copy of this notice to be delivered to the above listed debtors by depositing it in the U.S. Mail at 801 Warrenville Road, Lisle, IL and to the debtor's attorney electronically via the Court's CM/ECF system on Tuesday, October 29, 2019.

/s/ Louise Karmia

For: Glenn Stearns, Trustee

MOTION TO DISMISS FOR NON COMPLIANCE OF THE CONFIRMED PLAN

Now comes Glenn Stearns, Chapter 13 Trustee, and requests that the discharge of the above referenced case pursuant to 11 U.S.C §1307(c) and Bankruptcy Rule 3015 and in support thereof, states the following:

1. On May 31, 2017, the debtors filed a petition under Chapter 13.
2. On February 16, 2018, the Plan was confirmed for 60 months with payments of \$464.00 with unsecured creditors receiving 5.00%.
3. The debtors plan provides that: In addition to making regular monthly plan payments required under Section D1, the Debtors shall pay into the plan each year any amount over the \$322.00 monthly amount listed on Schedule I that they withdraw from their retirement account(s).
4. The debtors are in non-compliance under the terms of the confirmed plan for failure to provide the retirement funds withdrawn over \$322.00 monthly with \$70,000 in 2017 and \$64,000 in 2018.

WHEREFORE, the Trustee prays that this case be dismissed pursuant to Section 1307 (c) and for other and further relief, as this court deems proper.

Respectfully Submitted;

/s/ Pamela L. Peterson

For: Glenn Stearns, Trustee

Glenn Stearns, Trustee
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